

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent 7,084,726
Issued: Aug, 1, 2006
Serial No.: 10/661,035
Filing Date: 09/15/2003
Short Title: THIN FILM SHAPE MEMORY ALLOY
Inventors: A. David Johnson, et. al.

Certificate
AUG 17 2006
of Correction

MAIL STOP Certificates of Correction Branch
Commissioner for Patents
PO BOX 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION - 35 USC 254

Sir:

This is a request for a certificate of correction to the subject patent and is brought under 35 USC 254 and Rule §322 (Patent Office's mistake).

Apparent errors in the printing of the patent resulted in the names of two of the inventors being omitted from part (75) Inventors of the patent's cover sheet. Thus, part (75) is printed as showing only two inventors: Vikas Gupta and Valery Martynov. The names of inventors A. David Johnson and Vikas Galhotra were omitted. Also, the citizenship of Mr. Gupta was incorrectly shown as US; it should be India.

This case is a division of S/N 09/821,840 (now patent 6,624,730) of which the Declaration was signed as inventors not only by Messrs. Gupta and Martynov but also by A. David Johnson of San Leandro, CA and Vikas Galhotra of Union City, CA. That Declaration was incorporated by reference into the present application by part 18 of Applicant's Utility Patent Application Transmittal (copy attached as Exh. A). A copy of the Declaration is attached as Exh. B

Also, the Corrected Filing Receipt dated 6/8/06 in this patent (copy attached as Exh. C) correctly shows the inventorship as comprising in the following order: A. David Johnson,

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Vikas Galhotra, Vikas Gupta, and Valery Martynov.

The Declaration of Exh. B shows that the citizenship of inventor Vikas Gupta to be of India, not the US as printed on the patent's cover sheet.

According, the issuance of a Certificate of Correction in accordance with the accompanying form PTO/SB/44 (05-03) is solicited.

The granting of this request is deemed to be in order under 35 USC 254 because the error was that of the Patent Office..

Date: Thu, Aug 10, 2006
LAW OFFICES OF RICHARD E. BACKUS
887 - 28th Ave
SAN FRANCISCO, CALIFORNIA 94121


Richard E. Backus, Reg. 22,701
Attorney for Applicant
Tel: 415-668-2339

AUG 21 2006



PTO/SB/05 (08-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	A70168
First Inventor	A. David Johnson
Title	THIN FILM SHAPE MEMORY
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 18]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- Oath or Declaration [Total Sheets 2]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ Paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/821,840

Prior application information:

Examiner LINCOLN DONOVAN

Art Unit: 2832

For CONTINUATION OF DIVISIONAL APPS only, The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number: OR ☒ Correspondence address below

Name	Richard E. Backus				
Address	685 Market Street, Suite 490				
City	San Francisco	State	CA	Zip Code	94105
Country	US	Telephone	415-979-9876	Fax	415-974-6199
Name (Print/Type)	Richard E. Backus		Registration No. (Attorney/Agent)	22,701	
Signature			Date	9/11/2003	

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 21 2006

Exh. A

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

THIN FILM SHAPE MEMORY ALLOY ACTUATED MICRORELAY

the specification of which

(Check
one)

is attached hereto



was filed on

3/28/2001

as

Application Serial No.

09/821,840

and was amended on

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

60/192,766

3/28/2000

(Provisional Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

AUG 21 2006

Exh. B

BEST AVAILABLE COPY



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

THIN FILM SHAPE MEMORY ALLOY ACTUATED MICRORELAY

the specification of which

is attached hereto

(Check
one)



was filed on

3/28/2001

as

Application Serial No.

09/821,840

and was amended on

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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Prior Foreign Application(s)

Priority Claimed

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			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

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60/192,766

3/28/2000

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(Filing Date)

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(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

AUG 21 2006

I hereby appoint, for the benefit of and as agent for the Assignee of this application and to my exclusion if there is now or hereafter such an Assignee:

Richard E. Backus, Reg. No. 22,701

attorney with full power of substitution and revocation to prosecute the above-identified application for Letters Patent and to transact all business in the Patent Office connected therewith.

Direct all telephone calls to Richard E. Backus at (415) 979-9876.

Address all correspondence to:

Richard E. Backus
Law Offices of Richard E. Backus
685 Market Street, Suite 490
San Francisco, CA 94105

File No. A-70168

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

A. David Johnson

Inventor's signature:

A. David Johnson

Date:

29 May 2001

Residence:

San Leandro, California

Citizenship:

USA

Post Office Address:

1621 Neptune Drive
San Leandro, CA 94577

Full name of sole or first inventor:

Vikas Galhotra

Inventor's signature:

Vikas Galhotra

Date:

06/09/2001

Residence:

Union City, California

Citizenship:

INDIA

Post Office Address:

2644 Rainer Ct.
Union City, CA-94587

AUG 21 2006

I hereby appoint, for the benefit of and as agent for the Assignee of this application and to my exclusion if there is now or hereafter such an Assignee:

Richard E. Backus, Reg. No. 22,701

attorney with full power of substitution and revocation to prosecute the above-identified application for Letters Patent and to transact all business in the Patent Office connected therewith.

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Full name of sole or first inventor:

Vikas Gupta

Inventor's signature:

[Signature]

Date:

MAY 29, 2001

Residence:

SAN LEANDRO, CALIFORNIA

Citizenship:

INDIA

Post Office Address:

238 LORRAINE BLVD
SAN LEANDRO, CA 94577

Full name of sole or first inventor:

Valery Martynov

Inventor's signature:

V. Martynov

Date:

May 29, 2001

Residence:

San Francisco, California

Citizenship:

USA

Post Office Address:

335 18th Avenue
San Francisco, CA 94121



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/661,035	09/15/2003	2832	675	A70168	6	10	1

Law Offices Richard E. Backus
 887 - 28th Ave.
 San Francisco, CA 94121



CONFIRMATION NO. 6681
 CORRECTED FILING RECEIPT
 OC000000019163622
 OC000000019163622

Date Mailed: 06/08/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

A. David Johnson, San Leandro, CA;
 Vikas Gaihotra, Union City, CA;
 Vikas Gupta, San Leandro, CA;
 Valery Martynov, San Francisco, CA;

Power of Attorney:

Richard Backus-22701

Domestic Priority data as claimed by applicant

This application is a DIV of 09/821,840 03/28/2001 PAT 6,624,730 *
 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 12/04/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/661,035

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

THIN FILM SHAPE MEMORY ALLOY ACTUATED MICRORELAY

Preliminary Class

AUG 21 2006

Exh. C

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO : 7,084,726
DATED : Aug. 1, 2006
INVENTOR(S) : A. David Johnson et. al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Cover sheet:

(75) Inventors: A. David Johnson, San Leandro, CA (US)
Vikas Galhotra, Union City, CA (India)
Vikas Gupta, San Leandro, CA (India)
Valery Martynov, San Francisco, CA (US)

MAILING ADDRESS OF SENDER:

**Richard E. Backus
887 - 28th Ave.
San Francisco, CA 94121**

PATENT NO. 7,084,726

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 21 2006